

Christopher H. Strate
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Attorneys for Plaintiff IOPLEX Software LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IOPLEX SOFTWARE LLC,

Plaintiff,

v.

ZOHO CORPORATION,

Defendant.

Civil Action No. 21-cv-7362

Document Electronically Filed

COMPLAINT AND JURY DEMAND

Plaintiff, by its attorneys, for its Complaint against Defendant ZOHO Corporation, alleges as follows (on knowledge as to Plaintiff; otherwise on information and belief):

JURISDICTION AND VENUE

1. This is an action for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the “Copyright Act”). This Court has jurisdiction pursuant to 28 U.S.C. § 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(a).

THE PARTIES

3. Plaintiff IOPLEX Software LLC (“IOPLEX”) is a limited liability company organized and existing under the laws of the State of New Jersey with a principal place of business at 217

Prospect Ave., Unit 8-1A, Cranford, New Jersey 07016. IOPLEX's sole member is Michael B. Allen, who is an individual domiciled in Cranford, New Jersey.

4. Defendant ZOHO Corporation ("ZOHO") is a corporation organized and existing under the laws of the State of California, with a principal place of business at 4141 Hacienda Drive, Pleasanton, California 94588. ZOHO is registered to do business in New Jersey and, on information and belief, maintains an office in New Jersey. Moreover, IOPLEX's claims in this matter relate to or arise out of ZOHO's contacts with New Jersey, including ZOHO's extensive communications and negotiations with IOPLEX concerning the scope of the licenses it wished to purchase for IOPLEX's software.

CLAIMS OF COPYRIGHT INFRINGEMENT

5. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 4.

6. IOPLEX develops and licenses computer software, including Jespa, which provides a "Single Sign-On" ("SSO") feature that enables users to log in to separate software systems and/or websites by entering their ID and password only once.

7. Since the original version of Jespa was created, IOPLEX has created several subsequent versions of the software. The versions of Jespa that are pertinent to this action include versions 1.0.0, 1.1.19, 1.2.0, 1.2.2, 1.2.4, and 1.2.5.

8. Allen created the original version of Jespa, and all subsequent versions of Jespa, as "works made for hire" in his capacity as the sole employee of IOPLEX. To the extent each version of Jespa cannot be deemed works made for hire, Allen has assigned all of his interest in the copyrights thereto to IOPLEX.

9. IOPLEX has registered the copyrights to each of Jespa versions 1.0.0, 1.1.19, 1.2.0,

1.2.2, 1.2.4, and 1.2.5. (See Exhibit A)

10. ZOHO is a software company that develops primarily cloud based business applications under its ZOHO brand and primarily IT management products under its ManageEngine brand. ZOHO has more than 50 software products that it licenses to customers.

11. In August 2009, IOPLEX and ZOHO entered into an IOPLEX Software Embedded Distribution License Agreement (the “2009 Agreement”), pursuant to which IOPLEX granted ZOHO a license to embed Jespa into two of its software products. The 2009 Agreement, however, restricted the ZOHO products in which Jespa could be embedded to two fields of use: (1) IT help desk and asset management and (2) IT password management. In other words, the 2009 Agreement stated that ZOHO did not have a license to embed Jespa in (a) any products that were used for fields other than IT help desk and asset management or IT password management, and (b) a third product in any field.

12. The 2009 Agreement resulted from two months of detailed, and at times contentious, negotiations over the scope of the contract. For example, early in the negotiations, ZOHO was requesting that IOPLEX grant a license for ZOHO to embed Jespa in all of its products, regardless of the number of products, and without any field-of-use restrictions. IOPLEX rejected this request and ZOHO relented, agreeing to limits of two products and two fields of use.

13. In March 2011, IOPLEX and ZOHO entered into a second IOPLEX Software Embedded Distribution License Agreement (the “2011 Agreement”), pursuant to which IOPLEX granted ZOHO a license to embed Jespa into one more of its software products; provided, however, that the product was limited to the following fields of use: (1) performance monitoring of network devices and applications and (2) configuration and management of routers, switches, firewalls and VPNs.

14. The 2011 Agreement resulted from six months of detailed negotiations, including

another discussion of ZOHO's desire to purchase a license unrestricted by field of use. Early in the negotiations preceding the 2011 Agreement, ZOHO proposed that it pay IOPLEX a percentage of its sales of one ZOHO product into which Jespa would be embedded, but which would also permit other applications, including those of ZOHO's customers and those of other companies, to achieve the SSO functionality provided by Jespa indirectly and without embedding Jespa in those other applications. Ultimately, however, the prices ZOHO proposed were not acceptable to IOPLEX, and ZOHO did not accept IOPLEX's counterproposals. Instead, IOPLEX and ZOHO agreed to a license for one product in two fields of use.

15. In or about May 2018, IOPLEX discovered that ZOHO was distributing Jespa on its own, and not embedded in any ZOHO product, free-of-charge and without limitation, to anyone who chose to download it. IOPLEX informed ZOHO that by distributing Jespa without embedding it in an authorized product, ZOHO was infringing on IOPLEX's copyrights. ZOHO asserted that it was an inadvertent error intended to provide a fix for customers who were experiencing "SSO breakage."

16. In response to IOPLEX's demand, ZOHO removed the offending content from its website. Because the Jespa file that ZOHO was distributing on its own was activated with ZOHO's license key, IOPLEX revoked the compromised license key to stop individuals who may have downloaded the Jespa file from extracting and using ZOHO's license key, and reissued a new license key to ZOHO.

17. In or about October 2020, IOPLEX discovered that ZOHO has been embedding Jespa in many of its products, including many products that fall outside the fields of use described in the 2009 Agreement and the 2011 Agreement. Moreover, although the 2009 Agreement and the 2011 Agreement restricted ZOHO to embedding Jespa in only three products, ZOHO has been embedding Jespa in far more products than that.

18. ZOHO products in which Jespa has been used or embedded outside the 2009 Agreement and the 2011 Agreement include:

- ADSelfService Plus;
- AD360;
- NetFlow Analyzer;
- ADManager Plus;
- Access Manager Plus;
- FirewallAnalyzer;
- Key Manager Plus; and
- SupportCenter Plus.

19. IOPLEX expects to identify through discovery additional ZOHO products in which Jespa has been used or embedded outside the 2009 Agreement and the 2011 Agreement.

20. By embedding Jespa in products other than the three for which IOPLEX granted licenses, and thereafter distributing those products to its customers, ZOHO has copied Jespa without a license and thereby infringed IOPLEX's copyrights in Jespa.

21. By embedding Jespa in products that fall outside the fields of use for which IOPLEX granted licenses, and thereafter distributing those products to its customers, ZOHO has copied Jespa without a license and thereby infringed IOPLEX's copyrights in Jespa.

22. The purposes of field of use restrictions such as those in the 2009 Agreement and the 2011 Agreement include, inter alia, to prevent IOPLEX's customers from creating a product that would compete with Jespa itself.

23. By embedding Jespa in products that fall outside of the field of use restrictions, ZOHO has infringed on IOPLEX's copyright in order to create at least two products that do, in fact, compete

with Jespa. Specifically, ZOHO has included Jespa in products called ADSelfService Plus and AD360, both of which use Jespa for SSO authentication not only for ZOHO's own cloud applications, but also for cloud applications from other companies, including IBM, HP, Google, Oracle, Microsoft, and Dropbox.

24. ZOHO's infringement of IOPLEX's copyrights in Jespa has usurped revenue that IOPLEX would have earned had it licensed and distributed Jespa itself to the customers to whom ZOHO distributed Jespa.

25. When ZOHO distributed Jespa outside the field-of-use and product restrictions, IOPLEX informed ZOHO that it was infringing on IOPLEX's copyright and demanded that ZOHO stop. ZOHO's knowledge of these prior incidents demonstrates that ZOHO willfully infringed IOPLEX's copyright when it embedded Jespa in products for which it had no license to do so.

COUNT ONE (Copyright Infringement - 17 U.S.C. § 501)

26. Plaintiff repeat and reallege each of the allegations contained in paragraphs 1 through 24.

27. IOPLEX owns the copyrights in Jespa versions 1.0.0, 1.1.19, 1.2.0, 1.2.2, 1.2.4, and 1.2.5.

28. IOPLEX has registered the copyrights in Jespa versions 1.0.0, 1.1.19, 1.2.0, 1.2.2, 1.2.4, and 1.2.5.

29. By copying and distributing Jespa versions 1.0.0, 1.1.19, 1.2.0, 1.2.2, 1.2.4, and 1.2.5 without a license to do so, ZOHO has infringed on IOPLEX's copyrights therein.

30. Because ZOHO knew it had no license to distribute Jespa versions 1.0.0, 1.1.19, 1.2.0, 1.2.2, 1.2.4, and 1.2.5 outside of the product and field-of-use limitations in the 2009 Agreement and the 2011 Agreement, its infringement of IOPLEX's copyrights was willful.

31. As a result of ZOHO's infringement of IOPLEX's copyrights, IOPLEX has been damaged in an amount to be proven at trial.

32. By continuing to distribute copies of Jespa versions 1.0.0, 1.1.19, 1.2.0, 1.2.2, 1.2.4, and 1.2.5 without a license to do so, ZOHO threatens to continue committing copyright infringement. Unless this Court restrains ZOHO from committing further acts of copyright infringement, IOPLEX will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiff prays that:

(I) ZOHO, its agents, servants, employees, and all persons acting under its permission and authority, be enjoined and restrained from infringing, in any manner, IOPLEX's copyrighted software, specifically Jespa versions 1.0.0, 1.1.19, 1.2.0, 1.2.2, 1.2.4, and 1.2.5, pursuant to 17 U.S.C. § 502;

(II) ZOHO be ordered to pay IOPLEX's actual damages and ZOHO's profits, pursuant to 17 U.S.C. § 504(b);

(III) ZOHO, in the alternative, be ordered to pay statutory damages, pursuant to 17 U.S.C. § 504(c);

(IV) ZOHO be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. § 505; and

(V) The Court order such other and further relief as is just and equitable.

Dated: March 30, 2021
Newark, New Jersey

GIBBONS P.C.

By: s/ Christopher H. Strate
Christopher H. Strate
Robert E. Rudnick (*pro hac to be filed*)
Jason R. Halpin
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rrudnick@gibbonslaw.com
cstrate@gibbonslaw.com
jhalpin@gibbonslaw.com

Attorneys for Plaintiff IOPLEX Software LLC

JURY DEMAND

Plaintiffs hereby demand a jury on all issues so triable.

Dated: March 30, 2021
Newark, New Jersey

GIBBONS P.C.

By: s/ Christopher H. Strate
Christopher H. Strate
Robert E. Rudnick Robert E. Rudnick (*pro hac*
to be filed)
Jason R. Halpin
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rrudnick@gibbonslaw.com
cstrate@gibbonslaw.com
jhalpin@gibbonslaw.com

Attorneys for Plaintiff IOPLEX Software LLC

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Shira Perlmutter

United States Register of Copyrights and Director

Registration Number

TX 8-908-386

Effective Date of Registration:

November 05, 2020

Registration Decision Date:

November 06, 2020

Title

Title of Work: Jespa 1.0.0

Completion/Publication

Year of Completion: 2009

Date of 1st Publication: April 30, 2009

Nation of 1st Publication: United States

Author

- Author: Michael Brewster Allen
- Author Created: computer program
- Work made for hire: No
- Citizen of: United States
- Domiciled in: United States
- Year Born: 1972

Copyright Claimant

Copyright Claimant: IOPLEX Software LLC

217 Prospect Ave., Unit 8-1A, Cranford, NJ, 07016, United States

Transfer statement: By written agreement

Rights and Permissions

Organization Name: IOPLEX Software LLC

Name: Michael Brewster Allen

Email: miallen@ioplex.com

Telephone: (908)377-7833

Alt. Telephone: (201)467-5391

Address: 217 Prospect Ave.

Unit 8-1A
Cranford, NJ 07016 United States

Certification

Name: Michael Brewster Allen
Date: November 05, 2020

Correspondence: Yes

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Shira Perlmutter

United States Register of Copyrights and Director

Registration Number

TX 8-927-834

Effective Date of Registration:

November 22, 2020

Registration Decision Date:

January 15, 2021

Title

Title of Work: Jespa 1.1.19

Completion/Publication

Year of Completion: 2013

Date of 1st Publication: June 04, 2013

Nation of 1st Publication: United States

Author

- Author: IOPLEX Software LLC
- Author Created: computer program
- Work made for hire: Yes
- Citizen of: United States

Copyright Claimant

Copyright Claimant: IOPLEX Software LLC
217 Prospect Ave., Unit 8-1A, Cranford, NJ, 07016, United States

Limitation of copyright claim

Material excluded from this claim: computer program
Previous registration and year: TX0008908386, 2020

New material included in claim: computer program

Rights and Permissions

Organization Name: IOPLEX Software LLC
Name: Michael Brewster Allen
Email: miallen@ioplex.com
Telephone: (908)377-7833
Address: 217 Prospect Ave.

Unit 8-1A
Cranford, NJ 07016 United States

Certification

Name: Michael B Allen
Date: November 22, 2020

Correspondence: Yes
Copyright Office notes: Regarding special handling request: Claim upgraded for special handling per request received on 1/12/2021 due to pending or prospective litigation.

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Shirley R. Krumholz

United States Register of Copyrights and Director

Registration Number

TX 8-927-836

Effective Date of Registration:

November 22, 2020

Registration Decision Date:

January 15, 2021

Title

Title of Work: Jespa 1.2.0

Completion/Publication

Year of Completion: 2017
 Date of 1st Publication: March 24, 2017
 Nation of 1st Publication: United States

Author

- Author: IOPLEX Software LLC
- Author Created: computer program
- Work made for hire: Yes
- Citizen of: United States

Copyright Claimant

Copyright Claimant: IOPLEX Software LLC
 217 Prospect Ave., Unit 8-1A, Cranford, NJ, 07016, United States

Limitation of copyright claim

Material excluded from this claim: computer program
 Previous registration and year: TX0008908386, 2020
 TX0008927834, 2020

New material included in claim: computer program

Rights and Permissions

Organization Name: IOPLEX Software LLC
 Name: Michael Brewster Allen
 Email: miallen@ioplex.com
 Telephone: (908)377-7833

Alt. Telephone: (201)467-5391
Address: 217 Prospect Ave.
Unit 8-1A
Cranford, NJ 07016 United States

Certification

Name: Michael B Allen
Date: November 22, 2020

Correspondence: Yes
Copyright Office notes: Regarding special handling request: Claim upgraded for special handling per request received on 1/12/2021 due to pending or prospective litigation.

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Shirley R. Krumholz

United States Register of Copyrights and Director

Registration Number

TX 8-927-837

Effective Date of Registration:

November 22, 2020

Registration Decision Date:

January 15, 2021

Title

Title of Work: Jespa 1.2.2

Completion/Publication

Year of Completion: 2017
Date of 1st Publication: August 15, 2017
Nation of 1st Publication: United States

Author

• Author: IOPLEX Software LLC
Author Created: computer program
Work made for hire: Yes
Citizen of: United States

Copyright Claimant

Copyright Claimant: IOPLEX Software LLC
217 Prospect Ave., Unit 8-1A, Cranford, NJ, 07016, United States

Limitation of copyright claim

Material excluded from this claim: computer program
Previous registration and year: TX0008927836, 2020
New material included in claim: computer program

Rights and Permissions

Organization Name: IOPLEX Software LLC
Name: Michael Brewster Allen
Email: miallen@ioplex.com
Telephone: (908)377-7833
Alt. Telephone: (201)467-5391

Address: 217 Prospect Ave.
Unit 8-1A
Cranford, NJ 07016 United States

Certification

Name: Michael B Allen
Date: November 22, 2020

Correspondence: Yes
Copyright Office notes: Regarding special handling request: Claim upgraded for special handling per request received on 1/12/2021 due to pending or prospective litigation.

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Shira Perlmutter

United States Register of Copyrights and Director

Registration Number

TX 8-927-838

Effective Date of Registration:

November 22, 2020

Registration Decision Date:

January 15, 2021

Title

Title of Work: Jespa 1.2.4

Completion/Publication

Year of Completion: 2018
Date of 1st Publication: September 26, 2018
Nation of 1st Publication: United States

Author

- Author: IOPLEX Software LLC
Author Created: computer program
Work made for hire: Yes
Citizen of: United States

Copyright Claimant

Copyright Claimant: IOPLEX Software LLC
217 Prospect Ave., Unit 8-1A, Cranford, NJ, 07016, United States

Limitation of copyright claim

Material excluded from this claim: computer program
Previous registration and year: TX0008927837, 2020
New material included in claim: computer program

Rights and Permissions

Organization Name: IOPLEX Software LLC
Name: Michael Brewster Allen
Email: miallen@ioplex.com
Telephone: (908)377-7833
Alt. Telephone: (201)467-5391

Address: 217 Prospect Ave.
Unit 8-1A
Cranford, NJ 07016 United States

Certification

Name: Michael B Allen
Date: November 22, 2020

Correspondence: Yes
Copyright Office notes: Regarding special handling request: Claim upgraded for special handling per request received on 1/12/2021 due to pending or prospective litigation.

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Shirley R. Krumholz

United States Register of Copyrights and Director

Registration Number

TX 8-927-984

Effective Date of Registration:

January 16, 2021

Registration Decision Date:

January 19, 2021

Title

Title of Work: Jespa 1.2.5

Completion/Publication

Year of Completion: 2018
 Date of 1st Publication: October 19, 2018
 Nation of 1st Publication: United States

Author

- Author: IOPLEX Software LLC
- Author Created: computer program
- Work made for hire: Yes
- Citizen of: United States

Copyright Claimant

Copyright Claimant: IOPLEX Software LLC
 217 Prospect Ave., Unit 8-1A, Cranford, NJ, 07016, United States

Limitation of copyright claim

Material excluded from this claim: computer program
 Previous registration and year: TX0008927838, 2020
 TX0008927837, 2020

New material included in claim: computer program

Rights and Permissions

Organization Name: IOPLEX Software LLC
 Name: Michael Brewster Allen
 Email: miallen@ioplex.com
 Telephone: (908)377-7833

Alt. Telephone: (201)467-5391
Address: 217 Prospect Ave.
Unit 8-1A
Cranford, NJ 07016 United States

Certification

Name: Michael B Allen
Date: January 16, 2021

Correspondence: Yes

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

IOPLEX SOFTWARE LLC

(b) County of Residence of First Listed Plaintiff Union County, NJ
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Christopher H. Strate, Esq.

Gibbons P.C. One Gateway Center, Newark, NJ 07102
(973) 596 4500

DEFENDANTS

ZOHO CORPORATION

County of Residence of First Listed Defendant Alameda, CA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
17 U.S.C. §§ 101 et seq.

Brief description of cause:
Copyright infringement.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

03/30/2021

SIGNATURE OF ATTORNEY OF RECORD

s/ Christopher H. Strate

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

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INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Christopher H. Strate
Robert E. Rudnick (*pro hac to be filed*)
Jason R. Halpin
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Attorneys for Plaintiff IOPLEX Software LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IOPLEX SOFTWARE LLC,

Plaintiff,

v.

ZOHO CORPORATION,

Defendant.

Civil Action No. 21-cv-7362

Document electronically filed

**CERTIFICATION PURSUANT TO
LOCAL CIVIL RULE 11.2**

Pursuant to Local Civil Rule 11.2, Plaintiff, by and through its attorneys, Gibbons P.C., states that the matter in controversy is not the subject of any other action pending in any court, or any pending arbitration or administrative proceeding to the best of our knowledge or belief.

Dated: March 30, 2021
Newark, New Jersey

s/ Christopher H. Strate
Christopher H. Strate
Robert E. Rudnick (*pro hac to be filed*)
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